IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO.32 OF 2006

M/s.Avery India Limited. ... Applicant/Respondent

vs.

Shri.Anjan Banerjee, GM(Lube). ... Respondent/Claimant.

Mr.H.H.Trivedi, for Petitioner.

Mr.Z.Andhyarujina i/b. M/s.Udwadia & Udeshi, for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 22nd September,2006

P.C.:-

1. On a motion made by the learned Counsel appearing for petitioner, the petition is permitted to be withdrawn.

2. The learned Counsel appearing for respondent has stated that Mr.D.Jetley, Dy. General Manager (Retail) has been appointed as Arbitrator.

3. It will be open to the petitioner to raise an objection to the jurisdiction of Mr.D.Jetley, to go ahead with the arbitration proceedings before the Arbitrator. If such an objection is raised as required by Section 16 of the

Arbitration and Conciliation Act,1996, the Arbitrator shall decide that application and it is only if he comes to the conclusion that his appointment as arbitrator is valid, he further proceeds with the arbitration proceedings. By consent of parties, the Arbitrator is directed to proceed with the arbitration proceedings as expeditiously as possible.